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Zoning Regulation Amendment Request Form

Howard County
Comprehensive Zoning Plan
 Department of Planning and Zoning

[Word 2007 Version]
 Before filling out this form, please read the
 Instructions section at the end of the form.

A. Applicant Information

1	Applicant Name	Dr. Melvin Stern	
2	Mailing street address or Post Office Box	6685 Mink Hollow Road	
	City, State	Highland, Maryland	
	ZIP Code	20777	
	Telephone (Main)		<div style="border: 2px solid black; padding: 10px; transform: rotate(-2deg); display: inline-block;"> RECEIVED DEC 13 2012 DIV. OF PUBLIC SERVICE & ZONING </div>
	Telephone (Secondary)		
	Fax		
3	E-Mail	melstern@alumni.usc.edu	

301-854-3444

B. Representative Information (If different than above).

4	Name	Talkin & Oh, LLP	
	Mailing street address or Post Office Box	5100 Dorsey Hall Drive	
	City, State	Ellicott City, Maryland	
	ZIP	21042	
	Telephone (Main)		410-964-0300 (Sang Oh)
	Telephone (Secondary)		
	Fax	410-964-2008	
	E-Mail		soh@talkin-oh.com
5	Association with Applicant	Attorneys	

C. Brief Description of the Requested Zoning Regulation Amendment

6	<p>To add a new conditional use to the RC, RR, R-ED, R-20, and R-12 Districts for "Accessory Family Dwellings." To amend the Zoning Regulations to define "Accessory Family Dwelling" as "A second dwelling unit on a lot, which second dwelling unit is used for the housing of the elderly or disabled immediate family members of a resident of the principal dwelling and which complies with the requirements of Section 131.N.1."</p> <p>For the proposed language of the text amendment and the requirements of the proposed conditional use, please see the attached Exhibit – Proposed Amendment Language.</p>
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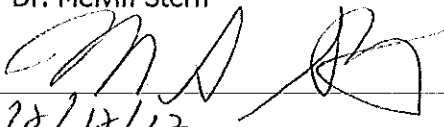
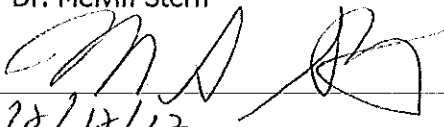
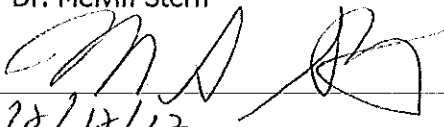
D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment




7	<p>The purpose of the proposed text amendment is to provide increased housing options (1) to allow the County's growing elderly population to age in place, and (2) for the County's residents with disabilities.</p> <p>As provided on Pages 69 and 70 of PlanHoward 2030, the County's population is becoming older. Baby boomers currently make up a significant share of the population and will be entering retirement over the next twenty years. Over the last decade, while the County's population increased by 16%, the percentage of those individuals 65 and older increased by 57%. The growth rate of the elderly population has accelerated over the last ten years and is expected to accelerate more over the next twenty years. The majority of these residents are expected to stay in the County during their retirement years. "[P]olicies should also continue to support seniors who choose to age in place in their own homes or in their own communities." PlanHoward 2030, p. 146.</p> <p>See attached Continuation Sheet.</p>
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E. List of Attachments/Exhibits

8	1. Exhibit – Proposed Amendment Language. 2. Continuation Sheet.
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F. Signatures

9	<table border="1"><tr><td>Applicant</td><td>Dr. Melvin Stern </td><td>Applicant (2)</td><td></td></tr><tr><td>Date</td><td>12/12/12</td><td>Date</td><td></td></tr></table>	Applicant	Dr. Melvin Stern 	Applicant (2)		Date	12/12/12	Date	
Applicant	Dr. Melvin Stern 	Applicant (2)							
Date	12/12/12	Date							
<input type="checkbox"/> Additional applicant signatures? X the box to the left and attach a separate signature page.									

10	<table border="1"><tr><td>Representative Signature</td><td></td></tr><tr><td>Date</td><td>12-12-12</td></tr></table>	Representative Signature		Date	12-12-12
Representative Signature					
Date	12-12-12				

DPZ Use Only		Amendment No.	
Notes			

Exhibit - Proposed Amendment Language

Definition of Accessory Family Dwelling (Section 103.A.3):

A SECOND DWELLING UNIT ON A LOT, WHICH SECOND DWELLING UNIT IS USED FOR THE HOUSING OF THE ELDERLY OR DISABLED IMMEDIATE FAMILY MEMBERS OF A RESIDENT OF THE PRINCIPAL DWELLING AND WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 131.N.1.

Conditional Use Requirements - Accessory Family Dwelling (Section 131.N.1)

A CONDITIONAL USE MAY BE GRANTED IN THE RC, RR, R-ED, R-20, or R-12 DISTRICTS FOR AN ACCESSORY FAMILY DWELLING, PROVIDED THAT:

- a. THE MINIMUM LOT SIZE SHALL BE 2 ACRES.
- b. THE ACCESSORY FAMILY DWELLING SHALL BE ACCESSORY TO A SINGLE-FAMILY DETACHED DWELLING ON THE SAME LOT.
- c. THE GROSS FLOOR AREA OF THE ACCESSORY FAMILY DWELLING SHALL NOT BE GREATER THAN THE GROSS FLOOR AREA OF THE PRINCIPAL DWELLING.
- d. A RESIDENT OF THE ACCESSORY FAMILY DWELLING SHALL BE AN IMMEDIATE RELATIVE OF AT LEAST ONE RESIDENT OF THE PRINCIPAL DWELLING AND SHALL EITHER BE:
 - (1) 62 YEARS OF AGE OR OLDER; OR
 - (2) 18 YEARS OF AGE OR OLDER AND WHO ARE DETERMINED BY A QUALIFIED MEDICAL AUTHORITY TO HAVE PHYSICAL, MENTAL, OR DEVELOPMENTAL IMPAIRMENTS THAT:
 - (a) ARE EXPECTED TO BE OF A LONG, CONTINUED, AND INDEFINITE DURATION;
 - (b) SUBSTANTIALLY IMPEDE THE ABILITY TO LIVE INDEPENDENTLY; OR
 - (c) ARE OF SUCH A NATURE THAT THE ABILITY TO LIVE INDEPENDENTLY COULD BE IMPROVED BY MORE SUITABLE HOUSING CONDITIONS.

IF DETERMINED NECESSARY BY A QUALIFIED MEDICAL AUTHORITY, A LONG-TERM CAREGIVER OF SUCH RESIDENT SHALL ALSO BE PERMITTED TO RESIDE WITHIN THE ACCESSORY FAMILY DWELLING.

- e. NO MORE THAN ONE ACCESSORY FAMILY DWELLING OR ACCESSORY APARTMENT SHALL BE PERMITTED PER LOT.
- f. THE ACCESSORY FAMILY DWELLING SHALL NOT BE RENTED, LEASED, OR SOLD SEPARATELY FROM THE PRINCIPAL DWELLING.
- g. A CONDITIONAL USE FOR AN ACCESSORY FAMILY DWELLING SHALL BECOME VOID UNLESS AN OWNER OR RESIDENT OF THE PROPERTY PROVIDES AN AFFIDAVIT TO THE DEPARTMENT OF PLANNING AND ZONING AT LEAST ONCE EVERY YEAR FROM THE DATE OF APPROVAL ATTESTING UNDER THE PENALTIES OF PERJURY THAT THE ACCESSORY FAMILY DWELLING CONTINUES TO COMPLY WITH THE SPECIFIC REQUIREMENTS OF THIS SECTION 131.N.1.

Continuation Sheet

D. Explanation of the Basis / Justification for the Requested Zoning Regulation Amendment

- 7 The purpose of the proposed text amendment is to provide increased housing options (1) to allow the County's growing elderly population to age in place, and (2) for the County's residents with disabilities.

As provided on Pages 69 and 70 of PlanHoward 2030, the County's population is becoming older. Baby boomers currently make up a significant share of the population and will be entering retirement over the next twenty years. Over the last decade, while the County's population increased by 16%, the percentage of those individuals 65 and older increased by 57%. The growth rate of the elderly population has accelerated over the last ten years and is expected to accelerate more over the next twenty years. The majority of these residents are expected to stay in the County during their retirement years. "[P]olicies should also continue to support seniors who choose to age in place in their own homes or in their own communities." PlanHoward 2030, p. 146.

In addition to the County's increasing elderly population, approximately 7% of County residents are living with disabilities. PlanHoward 2030, p. 146. PlanHoward 2030 provides that "County agencies will need to work cooperatively to comprehensively evaluate the specific needs of this population so that there is an understanding of actual housing demand." Furthermore, "As with the aging population, the County's housing stock should reflect and support the demand for housing generated by residents with disabilities. In order to achieve the County's housing goal of providing a range of housing types for residents of all ages and incomes, *there must be continued support for the construction and rehabilitation of housing that provides choices for living independently or in congregate settings* and that facilitates access to services and transportation options" (emphasis added). PlanHoward 2030, p. 146.

PlanHoward 2030 emphasizes the County's need to provide creative housing solutions for its elderly and disabled populations. Policy 9.2 of PlanHoward 2030 is to "[e]xpand full-spectrum housing for residents at diverse income levels *and stages of life, and for individuals with disabilities*, by encouraging high quality, mixed income, *multigenerational*, well designed, and sustainable communities" (emphasis added). Policy 9.3 is to "[e]xpand innovative programs to enable existing housing to meet full spectrum housing needs and housing needs of individuals with disabilities." Subsection e. of Policy 9.3 is "[c]ontinue to pursue programs to support use of existing, older homes as another means of addressing affordable housing needs." Policy 9.4 seeks to "[e]xpand housing options to accommodate the County's senior population who prefer to age in place and people with special needs."

To address these concerns, the proposed Accessory Family Dwelling conditional use seeks to provide an additional form of suitable housing for the County's elderly residents and residents with disabilities. The proposed amendment would permit County residents who desire to age in place the opportunity to do so, in close proximity to their families, while allowing each to maintain independent living facilities. The amendment would also allow residents with disabilities to live independently while remaining nearby to relatives who can provide necessary support services.

The proposed amendment will satisfy housing needs of the County's elderly residents and residents with disabilities while being restrictive enough to ensure against potential abuses arising from having two dwelling units on the same lot. The accessory family dwelling must be accessory to a principal single-family detached dwelling on a lot of at least two acres. The floor area of the accessory family dwelling cannot exceed that of the principal dwelling. A resident of the accessory family dwelling must be an elderly or disabled individual who is an immediate relative of a resident of the principal dwelling. There may be no more than one accessory family dwelling or accessory apartment per lot. The accessory family dwelling may not be rented, leased, or sold separately from the principal dwelling.

Finally, if approved, conditional use approval would lapse unless an owner or resident of the property provides the Department of Planning and Zoning with an affidavit, at least once per year, attesting under the penalties of perjury that the accessory family dwelling continues to meet the specific requirements of the conditional use.

The Zoning Regulations currently permit eight unrelated individuals, considered to be a "family," to reside together within a single dwelling unit. HOWARD COUNTY ZONING REGULATIONS § 103.A.75.c. The Zoning Regulations also permit an accessory structure to connect to a principal structure by breezeway, becoming a part of the principal structure. HOWARD COUNTY ZONING REGULATIONS § 152. The accessory structure may include permanent provisions for four out of the following five dwelling unit amenities (so long as the fifth is not included): living, sleeping, cooking, eating, and sanitation. *See* HOWARD COUNTY ZONING REGULATIONS § 72. Equipping an accessory structure with bedrooms, dining rooms, living rooms, and full bathrooms is permitted under the Zoning Regulations, so long as the structure does not contain an oven or stove.

While eight strangers can share one home, and while a single lot can include 1.8 dwelling units, the Zoning Regulations currently contain no suitable housing options to allow families to provide for their elderly or disable relatives. This proposed regulations amendment seeks to offer families reasonable options through the conditional use process, which will advance the County's housing goals and will provide support to actual families in need.

